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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,150	06/19/2003	John Arthur Laurent	31661-1002	6259

5179 7590 04/05/2005

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EXAMINER
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FRISTOE JR, JOHN K

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/600,150

Applicant(s)

LAURENT ET AL.

Examiner

John K. Fristoe Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/18/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The previous Office action mailed 2/14/2005 did not include an examination of claim 15. This was inadvertent and the examiner regrets any inconvenience to the applicant. Therefore the previous Office action has been vacated and the shortened statutory time period for reply by the Applicant has been restarted.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 6/18/2004 is acknowledged by the examiner.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,476,117 (Pakula). Pakula discloses a secondary packing gland apparatus comprising a primary packing gland flange (54), a stem (17), a second packing chamber (chamber housing element 71 in figure 5A), a secondary packing (71), a secondary packing gland flange (75), adjustable means (80) for connecting the secondary packing gland flange (75) to the primary packing gland flange (54), wherein the secondary packing (71) is compressible by said secondary packing gland flange (75), said means for connecting (80) is adjustable (figure 5) to move the secondary packing gland flange (75) axially to increase and decrease the compression of the secondary packing (71), the primary packing gland flange (54) defines an annulus (the space between stem extension 60 and the flange member 54), a vent (82), a cylindrical pusher (76), at

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least one secondary packing bolt (80), at least one secondary packing gland nut (81), and at least one elastically reboundable spring means that is a Belleville washer (92, seen in figure 5A)

Although Pakula does not show an annulus around the stem extension, it is inherent that there is a space around that portion of the stem since there is a vent in the primary packing flange. If there were no space defined by the primary packing flange then there would be no need for a vent since no fluid would be capable of being located there.

5. Claims 1, 4, 5, 7-9, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,382,633 (Hashiguchi et al.). Hashiguchi et al. disclose a secondary packing gland apparatus comprising a primary packing gland flange (1), a stem (9), a second packing chamber (the chamber holding packing 10b in figure 5), a secondary packing (10b), a secondary packing gland flange (4a), an adjustable means (20) for connecting the secondary packing gland flange (4a) the primary packing gland flange (1b), wherein the secondary packing (10b) is compressible by the secondary packing gland flange (4a), said means for connecting (20) is adjustable to move the secondary packing gland flange (4a) axially to increase and decrease the compression of the secondary packing (10b), a cylindrical pusher (4), at least one secondary packing bolt (21), at least one secondary packing gland nut (23), at least one elastically reboundable spring (24), a second adjustable means (5), at least one primary packing bolt (15), at least one primary packing gland nut (17), at least one elastically reboundable spring means (18) disposed upon the primary packing gland bolt (15), and wherein the first adjustable connection means (20) and the second adjustable means (5) are adjustable independently of each other.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,476,117 (Pakula) in view of U.S. Pat. No. 5,263,682 (Covert et al.). Pakula discloses a secondary packing gland assembly comprising a primary packing gland flange (54), a stem (17), a second packing chamber (chamber housing element 71 in figure 5A), a secondary packing (71), a secondary packing gland flange (75), adjustable means (80) for connecting the secondary packing gland flange (75) to the primary packing gland flange (54), wherein the secondary packing (71) is compressible by said secondary packing gland flange (75), and said means for connecting (80) is adjustable (figure 5) to move the secondary packing gland flange (75) axially to increase and decrease the compression of the secondary packing (71) but lacks an annulus defined by the primary packing gland flange. Covert et al. teach a stem packing assembly having a primary packing gland flange (24) having a primary packing gland (70), a secondary packing gland (100) an annulus (78) defined by the stem (20), and a vent 114. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the secondary packing assembly of Pakula by having an annulus defined by the primary packing gland flange as taught by Covert et al. in order to allow the leaking fluid to accumulate.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,382,633 (Hashiguchi et al.) in view of U.S. Pat. No. 5,326,074 (Spock, Jr. et al.). Hashiguchi

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et al. disclose a secondary packing gland apparatus comprising a primary packing gland flange (1), a stem (9), a second packing chamber (the chamber holding packing 10b in figure 5), a secondary packing (10b), a secondary packing gland flange (4a), an adjustable means (20) for connecting the secondary packing gland flange (4a) the primary packing gland flange (1b), wherein the secondary packing (10b) is compressible by the secondary packing gland flange (4a), said means for connecting (20) is adjustable to move the secondary packing gland flange (4a) axially to increase and decrease the compression of the secondary packing (10b), a cylindrical pusher (4), at least one secondary packing bolt (21), at least one secondary packing gland nut (23), at least one elastically reboundable spring (24), a second adjustable means (5), at least one primary packing bolt (15), at least one primary packing gland nut (17), and at least one elastically reboundable spring means (18) disposed upon the primary packing gland bolt (15) but lacks the first and second adjustable means being angularly offset in relation to the stem. Spock, Jr. et al. teach a valve having a packing assembly comprising a primary packing gland flange (44) having a first adjustable means (46), a secondary packing gland flange (50) having a second adjustable means (52) and wherein the first adjustable means (46) and the second adjustable means (52) are angularly offset (fig. 1) from each other in relation to the stem (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the packing assembly of Hashiguchi et al. by angularly offsetting the adjustable means as taught by Spock, Jr. et al. in order to make it easier to access the adjustable means with a tool.

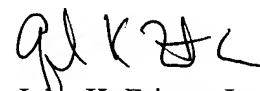
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926.

The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John K. Fristoe Jr.  
Examiner  
Art Unit 3751

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3/31/05